

**TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS  
MINUTES**

**DATE:** January 27, 2012

**TIME:** 9:00 a.m., CST

**LOCATION:** Health Related Boards  
Poplar Room  
227 French Landing, Suite 150  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** Richard Terry Kinnaman, LADAC, Chair  
Jacques Tate, LADAC  
Sherry Butler, LADAC  
Garner Cagle, LADAC, Secretary  
Major McNeil, Citizen Member

**STAFF PRESENT:** Melody Spitznas, Board Administrator  
Elizabeth Miller, Director of Health Related Boards  
Rachel Appelt, Assistant General Counsel  
Lindsay Vaughan, Assistant General Counsel  
John Smith, Chief Deputy Counsel

Mr. Kinnaman, Chair, called the meeting to order at 9:00 a.m. He declared a quorum to be present.

**Josie West** stated she has an application before the Board and wants to know how to become a LADAC II. Ms. West also asked for the Board's assistance in getting licensed LADACS in Jamestown, TN (Fentress County), where she resides. Ms. West stated that Fentress County has the second highest mortality rate in the State of Tennessee and loses approximately one person a week to drug or alcohol disease.

Mr. Kinnaman suggested that Ms. West contact the East Tennessee chapter of TAADAC. Mr. Kinnaman stated that there has been a decline in the number of licensed alcohol and drug abuse counselors in the State of Tennessee and the Board is very concerned about and making efforts to license more counselors. Mr. Kinnaman explained there is not a title at this time of LADAC II. There is only LADAC. Mr. Kinnaman suggested Ms. West contact Ms. Benson regarding the oral examination process and Ms. Spitznas regarding the licensure process.

**Rene Nunez**, with ICDC College was present to discuss online education for initial licensure with the Board. In attendance with Mr. Nunez was Ms. Sharae Love, who is the ADC program coordinator and Mr. Harold Moore, a student at ICDC College.

Mr. Nunez is the compliance director and in-house counsel. ICDC College was established in 1995 and based in California. Two (2) years ago ICDC started offering online programs. It is a nationally accredited program through the Accrediting Commission of Career Schools and Colleges (ACCSC). ICDC offers three (3) types of alcohol and drug counseling programs: 1) alcohol and drug counseling program (diploma) 2) addiction treatment counseling program (short course); and 3) associate's program in alcohol and drug counseling. The diploma program offers over eight hundred (800) clock hours and includes a 270 hour externship. The associate's program is 1900 clock hours, including the 270 hour externship. ICDC is a NAADAC approved educational provider.

Mr. Nunez stated that there is no definition in the Board's rules or statutes of formal classroom education. Mr. Nunez would like the Board to approve ICDC College's online classes to fulfill the Board's requirement of 270 hours of formal classroom training toward licensure in the State of Tennessee. Ms. Appelt stated that the Board can interpret its rules and consider whether formal classroom training is required by rule. In the past, the Board has said formal classroom training must be face to face classroom hours. Mr. Kinnaman stated that he personally would like the Board to continue with this precedent that formal classroom hours are face to face hours. Mr. Tate agreed. Mr. McNeil stated that he feels that the online classes, especially with a formal teacher, are acceptable as formal classroom education. Mr. Moore stated that the Board's criteria regarding formal classroom training is very vague. Mr. Moore stated that he would like to continue his education with ICDC and wants to meet the state's criteria in order to become licensed in Tennessee and hopes that the Board will consider approving ICDC's curriculum.

Ms. Love stated that their program had to go through a very strenuous process in order to be approved by NAADAC. Ms. Love said that NAADAC usually only approves bachelor's programs, not associate programs. Ms. Love stated that their online program is very interactive, they have webinars and instructors are available for one (1) hour daily every day. Ms. Love stated that the Board could consider NAADAC approved schools only. Ms. Love said she spoke with Shirley Mikell, with NAADAC, and was informed that Mr. Moore, upon graduation of the ICDC program, will qualify to take the NAADAC exam. Once Mr. Moore passes the exam, he will be NAADAC certified, but would not qualify for a Tennessee license. Ms. Love stated that the Board could put "qualifiers" in place, should an applicant complete online education. Ms. Love offered the Board access to ICDC's website in order to view the courses available.

Ms. Butler asked if the new two-tiered license qualifications legislation indicates whether or not an online bachelor's degree would be acceptable as meeting criteria for Tennessee licensure. Ms. Appelt stated that the legislation requires a degree from an accredited institution, and this does not specifically exclude online degrees.

Mr. Kinnaman stated that this issue would be well-suited for the task force to research. Mr. Tate made a motion, seconded by Mr. Cagle to table this issue at this time and have the task force

bring back information regarding online education to a future Board meeting. The motion carried. Mr. Nunez stated he is available for any questions regarding this matter.

**Kathy Benson** introduced herself, stating she is present representing NAADAC and TAADAC.

**Teresa Fuqua**, primary staffer regarding alcohol and drug addiction issues with the Tennessee Association of Mental Health Organizations (TAMHO) introduced herself and thanked the Board for the opportunity to attend the meeting and offered to assist the Board with any request it may have for TAMHO.

**Charlie Hiatt**, with River City Counseling in Hixson, TN was attending as a representative of TAADAC and is the President of the Southeast Chapter of TAADAC. Mr. Hiatt had questions concerning the proposed legislation regarding tiered licensure and wanted to know how it will work for those applications already in process. Ms. Appelt stated that the bill states that only those presently licensed as alcohol and drug abuse counselors will upgrade to level II, not those in process. Mr. Kinnaman stated that interested parties can make recommendations to change the bill through their legislators. Ms. Miller stated that the Department of Health would like to have the Board's opinion on whether it supports the bill or has any suggested amendatory language. Ms. Appelt stated that a letter was sent from administrative staff to the legislative committee last year stating the Board's position on the bill and any suggested amendments and a letter could be submitted again this year.

Ms. Butler stated that this bill would not affect applications in process, but applicants, depending on the level of licensure they qualify for, would either apply for level I or level II. Ms. Appelt stated Level I is similar to the licensing requirement in place now, just no oral examination would be required. Persons already licensed would grandfather to the LADAC II or those holding a bachelor's degree or higher would qualify for LADAC II.

Ms. Miller stated the Board's current statute (TCA 68-24-605) gives the Board broad authority to promulgate rules to effectuate the purposes including, but not limited to, application and licensure fees; examination and licensure procedures; standards of practice and qualifications for licensure. This allows the Board to create their own qualifications for licensure. The bill would take away the broad authority and create qualifications for licensure that the Board would not be able to restrict by passing rules. The Board now has the authority to create its own qualifications, and the proposed legislation would limit the Board's authority. The Board would be held specifically to the qualifications listed in the statute. Ms. Appelt agreed that the proposed bill would take away some of the Board's authority.

Ms. Benson stated she is stunned to know that changes such as the levels of licensure could have been made through a rulemaking process opposed to the legislative process. Ms. Benson stated at this point she is advocating for the Board to vote not to support this bill and for the Board to move forward on changing its rules. Ms. Benson stated the goal of going through the legislative process was to strengthen the license itself and allow for third party payment purposes.

Mr. Cagle asked how the new bill would limit the power of the Board. Ms. Appelt stated the Board would be limited to the qualifications set out in the statute. The statute as it is now defers to the Board to promulgate rules for qualifications.

Mr. Tate made a motion, seconded by Ms. Butler, to suggest to amend HB 2233, section 3, to read “No person, except as permitted by TCA 68-24-607. Alcohol and other drug abuse counseling may be practiced only by persons licensed under this part, those preparing for licensure pursuant to this part and under the direct supervision of a counselor licensed under this part and delete sections 2, 4, 5, 6, 7, 8, 9, and 10 of the proposed bill.” The motion carried.

Ms. Miller stated that staff will prepare a letter to send to the legislature with Mr. Kinnaman’s signature explaining the suggested changes. Ms. Salter asked if representatives of the Board, TAADAS, TAMHO and TAADAC could meet with the sponsors of the legislation to explain the changes to the bill. Ms. Miller stated that she could put Mr. Kinnaman in touch with a legislative liaison with the Department of Health in order to accomplish this.

Ms. Butler asked how the process works regarding making a rule change. Ms. Appelt stated the Board will decide how the proposed language is to read, the language is then reviewed by the Office of General Counsel, notice of rulemaking hearing filed with Secretary of State’s office, and then giving public notice by the website. Ms. Butler made a motion, seconded by Mr. Tate, to put on the agenda for the next meeting a discussion of rule changes. The motion carried.

### **Minutes**

Mr. Cagle made a motion, seconded by Mr. Tate, to approve the October 21, 2011 minutes as written. The motion carried.

### **OGC Report**

Ms. Appelt introduced two (2) new staff members with the Office of General Counsel (OGC), Mr. John Smith, Chief Deputy General Counsel and Ms. Lindsay Vaughan, Assistant General Counsel. Ms. Vaughan is the Board’s new attorney. Mr. Kinnaman stated for the record that the Board appreciates all of the hard work Ms. Appelt has done during her tenure with this Board.

Ms. Appelt presented the Board with a proposed Policy Statement regarding applicants who fail the oral examination for a second time. Rule 1200-30-01-.08(4) (b) 3 states, should the applicant fail a second oral examination, the Board shall deny licensure pursuant to Rule 1200-30-01.07. In such event, the applicant must retake the written examination if the applicant reappplies. According to the new Policy Statement, applicants who fail the oral examination for a second time will still have to submit a new application (reapply), but the Board will waive the requirement that they must retake the written examination if reapplying due to the failure of a second oral examination. Mr. Tate made a motion, seconded by Ms. Butler to approve the Policy Statement as written. The motion carried.

Ms. Appelt presented the Board with five (5) proposed new questions for the Board’s jurisprudence exam, which is part of the application for licensure. Ms. Butler made a motion,

seconded by Mr. McNeil to accept the five (5) new questions and replace questions 10, 16 and 17 on the jurisprudence exam. The motion carried.

There is (1) open disciplinary file in OGC.

### **Investigative Report**

There are four (4) new complaints in the Office of Investigations. Seven (7) complaints were closed, three (3) closed no action, two (2) closed with a letter of warning and two (2) referred to OGC.

Three (3) complaints were received in the month of December.

### **Disciplinary Report**

Two (2) practitioners are currently being monitored.

### **Administrator Report**

There are currently 428 actively licensed alcohol and drug abuse counselors.

From October 13, 2011, to January 11, 2012, five (5) new applications were received, three (3) licenses were retired, and three (3) failed to renew their licenses.

Ms. Spitznas stated that she is currently working on the Board's newsletter and welcomes any ideas the Board feels are noteworthy.

For the audit period January 2011 – July 2011, six (6) licensees were audited, four (4) were compliant and one (1) was non-compliant.

### **Financial Report**

For FY 2011, the Board's expenditures totaled \$33, 411.59 and the revenues were \$79, 544.42. The current year net totaled \$24,524.86.

### **Written Examination Results**

Seven (7) candidates sat for the written examination in December 2011 and five (5) of the seven (7) candidates passed the exam. Mr. Tate made a motion, seconded by Mr. Cagle, to approve the exam results, permitting those who passed eligible to sit for the oral examination. The motion carried.

### **Oral Examination Results**

Six (6) candidates sat for the oral examination on January 20, 2012. Five (5) of the six (6) candidates passed the exam. Mr. Tate made a motion, seconded by Mr. McNeil, to approve the results of the oral exam. The motion carried.

Ms. Benson stated that approximately ten candidates will be given an oral examination before the next meeting.

Ms. Benson announced that she will be hosting an Oral Examiner Training Event in the next few weeks in order to recruit more oral examiners.

The Board discussed giving Ms. Spitznas the authority to move applicants through the licensure process quicker by not having to wait on Board ratification of exam results. Those who pass the written exam can move on to the oral exam and those passing the oral exam can be initially approved for licensure. Ms. Butler made a motion, seconded by Mr. McNeil, for Ms. Spitznas to move those applicants who pass the written exam on to the oral exam and send a temporary license to those applicants who pass the oral examination and pay the \$50.00 license fee. The motion carried.

### **Application Review**

Mr. Cagle made a motion, seconded by Mr. McNeil, to approve **Deanna Bommarito** to sit for the written examination. The motion carried.

Mr. Cagle made a motion, seconded by Mr. McNeil, to approve **Cynthia Gray** to sit for the written examination. Ms. Butler recused herself. The motion carried.

Mr. McNeil made a motion, seconded by Ms., Butler, to approve **Sherrie McKinney** to sit for the written examination. The motion carried.

Ms. Butler made a motion, seconded Mr. Tate, to approve **Josie West** to sit for the written examination. The motion carried.

Mr. Cagle made a motion, seconded by Ms. Butler, to approve **James Nihan** to sit for the written examination. The motion carried.

Ms. Butler made a motion, seconded by Mr. Cagle to approve **David Vaughan** to sit for the written examination. The motion carried.

Mr. McNeil made a motion, seconded by Mr. Cagle, to delay the decision on the application of **Mufid Abdullah**. Mr. Abdullah is reapplying due to the second failure of the oral examination. The Board is requesting clarification of his supervision, work experience and a notarized application. The motion carried.

### **Correspondence**

The Board reviewed correspondence from **Stephen E. Grigsby**. Mr. Grigsby is asking the Board grant him a waiver his 2010 continuing education requirement and not be issued an Agreed Citation. Mr. Grigsby is asking also that the Board accept eighteen (18) hours of make-up continuing education hours that he obtained in 2011 count toward the fifteen (15) deficit

continuing education hours for 2010. Ms. Butler made a motion, seconded by Mr. Tate to deny the request. The Board will consider the make-up hours when Mr. Grigsby sends in the signed Agreed Citation. The motion carried.

The Board reviewed correspondence from **David Burnett** requesting approval of eighteen (18) continuing education hours he would like to obtain through the Education for Ministry (EFM) Program at Otey Memorial Episcopal Church in Sewanee, Tennessee. Ms. Butler made a motion, seconded by Mr. Tate to deny Mr. Burnett's request, but suggested that EFM submit an application to request continuing education approval. The motion carried.

### **Continuing Education Requests**

The Board reviewed a request for approval submitted by **Delbert Boone**, for the following workshop(s): Treating Addiction in the New Millennium, Working with the Resistant Client, Managing the Addicted Client and the Many Faces of Addiction held at Here's Hope Counseling Center, 125 King Avenue South, Dyersburg, TN 38024 on November 3, 2011. Mr. Tate made a motion, seconded by Ms. Butler, to send Mr. Boone a letter informing him of the proper procedure regarding submitting a continuing education request. The motion carried.

The Board reviewed a request for approval submitted by **Kathryn Benson, LADAC, NCAC II** for the following workshops and dates: **Family Systems, Adult Children of Alcoholics, Co-Dependency – The Art of Survival, The Co-Dependent Professional, and Dependency to Health – Recovering Professionals**

February 11, 2012

March 10, 2012

April 14, 2012

May 12, 2012

June 9, 2012

August 4, 2012

September 8, 2012

October 6, 2012

November 3, 2012

December 1, 2012

Mr. Tate made a motion, seconded by Ms. Butler to approve Ms. Benson's workshops. The motion carried.

The Board reviewed an Agreed Citation for Betty Barnette. Ms. Barnette was audited and fell short one continuing education hour. Mr. Tate made a motion, seconded by Mr. Cagle to approve the Agreed Citation for Ms. Barnette. The motion carried.

### **Other Board Business**

The Board created a task force to be chaired by Kathy Benson to develop an approved core function curriculum and report findings back to the Board. The Board appointed a second task

force to be chaired by Brian VanCamp to review current criteria and develop ethical standards for clinical supervisors and report findings back to the Board.

Ms. Benson has contacted the following individuals who agreed to be part of the core function task force: Karen Dennis, Tammy Stone, Bob Garrett, Paul Hart and Karen Moran. These individuals already have experience developing and teaching curriculum. Ms. Benson stated the goal is to standardize the core function curriculum and bring back a finalized version to the next meeting.

Mr. VanCamp's task force is to review current criteria and develop ethical standards for becoming qualified clinical supervisors will include following individuals: Shirley Marks, Kimberly Burchett, Jackie Duncan, Martha Rogers-Hornsby, Ronald Robinson, Helen Yonts, Broderick Burke, Hilda Phipps and C.M. Rowland. Ms. Benson stated she will also be inviting the chair of this committee to serve as an ad hoc member of her task force so there will be continuity among both task forces since both committees are dealing with education and training.

Ms. Fuqua stated she would like to see some persons from TAMHO added to the task force. Ms. Fuqua will contact Ms. Spitznas with names of persons from that organization who may want to participate in either of these task forces.

Mr. Tate made a motion, seconded by Ms. Butler to appoint these two task forces and report their findings to the Board at its next meeting. The motion carried. Ms. Appelt asked if the curriculum task force will be also addressing the issue of online education. Mr. Cagle amended the original motion, seconded by Mr. Tate, for Ms. Benson's task force to include researching the issue of online education. The motion carried.

Mr. McNeil made a motion, seconded by Mr. Cagle to adopt a Policy Statement that states a criminal background check (CBC) is valid for six (6) months from the date listed on the CBC results. If six (6) months pass without the licensure application being completed, a new CBC must be obtained and sent to the Board in order to complete the application. The motion carried.

The following dates were approved for the 2013 board meeting schedule: January 18, 2013; April 19, 2013; July 19, 2013; and October 25, 2013. The next meeting is scheduled for April 13, 2012.

Mr. Cagle made a motion, seconded by Ms. Butler for Mr. Cagle to research peer assistance programs. The motion carried.

With no other Board business to conduct, Mr. Tate made a motion, seconded by Mr. Cagle Butler, to adjourn the meeting at 1:10 p.m. The motion carried.